

Exhibit 14

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, et al.,
individually and on behalf of a class of
all others similarly situated,

Plaintiffs,

vs.

1:18-cv-00719-CCR

CITY OF BUFFALO, N.Y., et al.,

Defendants.

ORAL EXAMINATION OF KEVIN BRINKWORTH

APPEARING REMOTELY FROM

BUFFALO, NEW YORK

Wednesday, March 16, 2022

9:08 a.m. - 4:43 p.m.

pursuant to notice

REPORTED BY:

Luanne K. Howe

APPEARING REMOTELY FROM CUYAHOGA COUNTY, OHIO

R E M O T E A P P E A R A N C E S

APPEARING FOR THE PLAINTIFFS:

NATIONAL CENTER FOR LAW AND ECONOMIC JUSTICE

BY: CLAUDIA WILNER, ESQ.

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APPEARING FOR THE DEFENDANTS:

CITY OF BUFFALO LAW DEPARTMENT

BY: CHRIS POOLE, ESQ.

ASSISTANT CORPORATION COUNSEL

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65 Niagara Square

Buffalo, New York 14202

716-851-4343

ALSO PRESENT:

CHRISTINE NELSON, ESQ.

Covington & Burling LLP

1 you do before that?

2 A I was with the police department for 30 years.

3 Q Okay. And let me ask, when you were working as an
4 attorney, what kind of cases were you doing?

5 A I did a lot of real estate and wills, trusts.

6 Q Okay. So what was the last position that you held
7 within the Buffalo Police Department?

8 A I was a lieutenant.

9 Q Okay. In any particular district?

10 A A District.

11 Q And let me just ask, because I want to get the
12 chronology down, when did you retire from the Buffalo
13 Police Department?

14 A 2018.

15 Q Okay. And for how long were you a lieutenant in the
16 A District?

17 A Approximately two years.

18 Q Okay. And prior to that, what was your role in the
19 Buffalo Police Department?

20 A I was a chief.

21 Q Okay. And what were you the chief of?

22 A Initially I was chief of Schools, and then I became
23 chief of Schools, Housing and Strike Force.

1 Q Okay. And let's see, how long were you the Schools
2 chief?

3 A A little over nine years.

4 Q And then when did you become the Housing Unit and
5 Strike Force chiefs?

6 A I don't recall when I was named that. I don't recall
7 that.

8 Q Okay. Did you become the Housing Unit and Strike
9 Force chiefs at the same time?

10 A Yes.

11 Q And would that have been around the time that the
12 Strike Force began?

13 A No.

14 Q So there was a Strike Force chief before you?

15 A No, there was no chief at that point.

16 Q Okay. So you were the first Strike Force chief?

17 A Yes.

18 Q Okay. And do you know why they decided to create a
19 position of chief for the Strike Force?

20 A No.

21 MR. POOLE: Object to the form of the
22 question.

23 Q What caused you to leave your position as chief to

1 MR. POOLE: Form.

2 A If the car is there by itself, I guess to enforce the
3 parking laws.

4 Q Did you personally ever provide any guidance to
5 Housing Unit officers about when it is and is not
6 appropriate to ticket on BMHA property?

7 A Not that I recall.

8 Q And did you personally ever request that any other
9 person provide additional guidance to Housing Unit
10 officers with respect to ticketing within BMHA
11 parking lots?

12 A Not that I recall.

13 Q Now, one of the tools that the Strike Force used to
14 achieve its mission was traffic checkpoints, correct?

15 A Yes.

16 Q And the checkpoints were located in crime hotspots?

17 MR. POOLE: Form.

18 A Yes.

19 Q And would you agree that a primary purpose of the
20 checkpoints was to deter crime?

21 A They were designed for traffic control.

22 Q And what is traffic control? What do you mean by
23 traffic control?

1 A They were to enforce some of the traffic laws. The
2 stops, they would check the registrations, the
3 inspections, maybe tints, seat belts.

4 Q Another primary purpose of the checkpoints was to
5 demonstrate high visibility?

6 A Yes.

7 MR. POOLE: Form. I'm not sure that was
8 a question.

9 Q Was another primary purpose of the checkpoints to
10 remove drugs and guns from the street if the officer
11 developed probable cause to search a vehicle that was
12 stopped at a checkpoint?

13 MR. POOLE: Form.

14 A It did happen. I don't know if that was necessarily
15 the primary goal though.

16 Q I will introduce as Brinkworth 8 an email that's been
17 identified as COB591045.

18 A Okay.

19 Q And can you see that okay, or would you like it a
20 little larger?

21 A Maybe a little larger.

22 Q How's that?

23 A Yeah.

1 A I don't recall seeing tow trucks set up there, no.

2 Q Were K-9 dogs at the roadblocks that you attended?

3 A Not that I recall.

4 Q How were the locations for the Strike Force
5 roadblocks determined?

6 A I don't know.

7 MR. POOLE: Pardon me, Claudia. I
8 apologize. Can we go off the record for a
9 second?

10 MS. WILNER: Sure.

11 (Discussion held off the record.)

12 MS. WILNER: Would you be able to just
13 read back the last question and answer so we
14 can remember where we were?

15 (Record read by reporter.)

16 BY MS. WILNER:

17 Q So who did set the checkpoint locations?

18 A Originally, it was Derenda.

19 Q And did there come a time when Derenda stopped
20 setting checkpoint locations?

21 A There was a point the lieutenants picked up.

22 Q At the beginning, Derenda would send daily emails
23 with checkpoint locations, right?

1 A That I don't know.

2 Q Okay. Do you recall receiving those emails?

3 A I don't.

4 Q Okay. When Derenda left the choice of location to
5 the lieutenants, was anybody providing oversight over
6 that choice?

7 A I don't know.

8 Q You were not providing oversight?

9 A No.

10 Q Did you witness anybody else providing oversight?

11 A Not that I recall.

12 Q Were you aware at the time that the vast majority of
13 checkpoints took place in Black neighborhoods on the
14 east side of Buffalo?

15 A I don't recall.

16 MR. POOLE: Form of the question.

17 Q And was that because you weren't personally involved
18 in setting the locations for checkpoints?

19 A No, I wasn't involved.

20 Q The commissioner expected Strike Force officers to
21 issue a large number of traffic tickets, right?

22 MR. POOLE: Form.

23 A I don't know what his expectations were.

1 STATE OF OHIO)

2 COUNTY OF CUYAHOGA)

3 I, Luanne K. Howe, Notary Public, in and for the
4 County of Cuyahoga, State of Ohio, do hereby certify:

5 That the witness whose testimony appears
6 hereinbefore was, before the commencement of his testimony,
7 duly sworn to testify the truth, the whole truth and nothing
8 but the truth; that said testimony was taken remotely
9 pursuant to notice at the time and place as herein set
10 forth; that said testimony was taken down by me and
11 thereafter transcribed into typewriting, and I hereby
12 certify the foregoing transcript is a full, true and correct
13 transcription of my shorthand notes so taken.

14 I further certify that I am neither counsel for
15 nor related to any party to said action, nor in any way
16 interested in the outcome thereof.

17 IN WITNESS WHEREOF, I have hereunto subscribed my
18 name and affixed my seal this 22nd day of March, 2022.

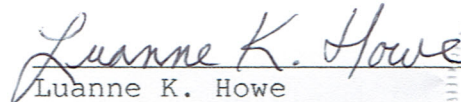
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Luanne K. Howe
Notary Public - State of Ohio

My commission expires 10-07-24

